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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,837	07/02/2007	Christophe Pierre Girard	403807/WEINSTEIN	1053
23548	7590	10/28/2010	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960				LEWIS, JUSTIN V
3725		ART UNIT		PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/598,837	GIRARD, CHRISTOPHE PIERRE
	Examiner	Art Unit
	JUSTIN V. LEWIS	3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-7,10-12,14-16 and 18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4-7,10-12,14-16 and 18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 September 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Applicant's amendment, filed on 20 August 2010, is acknowledged. Amended claims 1, 14 and 18 have been entered. Accordingly, claims 1-2, 4-12, 14-16 and 18 are presently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4, 10-12, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0136774 to O'Boyle ("O'Boyle") in view of U.S. Patent Application Publication No. 2003/0030269 to Hernandez ("Hernandez") and further in view of U.S. Patent No. 4,932,520 to Ciarcia et

al. (“Ciarcia”) and U.S. Patent Application Publication No. 2004/0253046 to Africa et al. (“Africa”).

Regarding claim 1, O’Boyle discloses a filing notebook (notebook 10) comprising: i) a cover including a front leaf (front cover 17) and a back leaf (back cover 18); ii) a binder (spiral binding 11) joining the front and back leaves together (see fig. 2); and iii) inner notebook pages (sheets 16) connected to the binder between the front and back leaves (see fig. 2), but fails to disclose: i) the notebook pages being detachable; ii) inner separation sheets with tabs inseparably connected to the binder for filing notebook pages separated from the binder between adjacent inner separation sheets of the notebook, wherein the inner separation sheets are located between the notebook pages of the notebook and one of the front and back leaves; and iii) at least one closing means including an elastic band fastened by rivets to one of the front and back leaves via eyelets, the elastic band sliding relative to the external face of the leaf, wherein the elastic band is adapted to be pulled over corners of the superimposed inner separation sheets so that the separation sheets are adapted to secure notebook pages between the separation sheets, and notebook pages attached to the binder are available for use.

Hernandez teaches the concept of providing detachable pages disposed within a notebook (via perforations 26a and 26b, per paragraph 54).

Ciarcia teaches the concept of providing inner separation sheets (envelopes 40) with tabs (enclosures 52) inseparably connected to a binding for filing notebook pages separated from a binder between adjacent inner separation sheets of the notebook (see fig. 1).

Africa teaches the concept of providing a closing means including an elastic band (loop of elastic material 68) fastened by rivets to one of front and back leaves (see paragraph 17) via eyelets (note that the “loop” of elastic material is affixed to a substrate folder; note further that such a configuration would require that the “loop” of elastic material pass through said substrate folder via eyelets formed within said substrate folder), the elastic band sliding relative to the external face of the leaf (see fig. 1), wherein the elastic band is adapted to be pulled over corners of booklet assembly and all contents therein (note that the loop is “elastic,” and as such, may be pulled over any area of the substrate assembly to which it is attached).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Hernandez perforations along the edge of the O’Boyle sheets in order to render the sheets separable from the notebook after they have been sufficiently used, as explicitly taught by Hernandez (see paragraph 54).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to inseparably disperse Ciarcia envelopes throughout the O’Boyle sheets, located between the front and rear covers, attaching said envelopes to the O’Boyle spiral binding in order to retain pages removed from the other areas of the notebook assembly, as explicitly taught by Ciarcia (see col. 3, lines 64-67) and to identify particular sections of information held within the notebook assembly.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to attach the Africa loop of elastic material to the notebook of O’Boyle in view of Hernandez and further in view of Ciarcia in order to provide a means of

maintaining the notebook in its closed position, as explicitly taught by Africa (see paragraph 17).

Regarding claim 2, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook of claim 1, wherein each notebook page includes a scored line that is parallel to the binder, in proximity to the binder, and along which the notebook page can be detached in order to file the notebook page in a compartment between two adjacent inner separation sheets (see the combination set forth in the rejection of claim 1, above).

Regarding claim 4, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook according to claim 1, wherein the tabs are located at different heights on the inner separation sheets (see Ciarcia fig. 1).

Regarding claim 10, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook according to claim 1, wherein the binder includes a spiral (see O'Boyle paragraph 20).

Regarding claim 11, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook according to claim 1, wherein the notebook pages are perforated for filing in another notebook (see O'Boyle fig. 2, showing holes 12).

Regarding claim 12, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook according to claim 1, wherein compartments between the inner separation sheets can receive pages other than the notebook pages

(see Ciarcia fig. 3; note that the pocket arrangement allows a multitude of different articles to be retained therein).

Regarding claim 14, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook of claim 1, wherein the closing means can be pulled entirely over the inner separation sheets (note that the Africa loop is "elastic," and as such, may be pulled over any area of the substrate assembly to which it is attached).

Regarding claim 18, O'Boyle, as modified by Hernandez, Ciarcia and Africa (in the manner set forth in the rejection of claim 1, above), discloses a filing notebook (O'Boyle notebook 10) comprising: i) a cover including a front leaf (O'Boyle front cover 17) and a back leaf (O'Boyle back cover 18); ii) a binder (O'Boyle spiral binding 11) joining the front and back leaves together (see O'Boyle fig. 2); iii) inner notebook pages (O'Boyle sheets 16) connected to the binder between the front and back leaves (see O'Boyle fig. 2), wherein the notebook pages are detachable (see the combination set forth in the rejection of claim 1, above); iv) inner separation sheets (Ciarcia envelopes 40) with tabs (Ciarcia enclosures 52) inseparably connected to the binder (see the combination set forth in the rejection of claim 1, above) for filing notebook pages separated from the binder between adjacent inner separation sheets of the notebook, wherein the inner separation sheets are located between the notebook pages of the notebook and one of the front and back leaves (see the combination set forth in the rejection of claim 1, above); and v) at least one closing means including an elastic band (Africa loop of elastic material 68) fastened by rivets to one of the front and back leaves (see Africa paragraph 17) by via eyelets (note that the Africa "loop" of elastic material is

affixed to a substrate folder; note further that such a configuration would require that the “loop” of elastic material pass through said substrate folder via eyelets formed within said substrate folder), the elastic band sliding relative to the external face of the leaf (see Africa fig. 1), wherein one of the front and back leaves includes flaps along upper, lower, and side edges which, when in a folded-down position with respect to the front or back leaf, form a pocket for storing inner separation sheets capable of containing therebetween notebook pages separated from the binder, and wherein the elastic band is adapted to be pulled over corners of the folded-down flaps storing inner separation sheets (see the combination set forth in the rejection of claim 1, above; note that when the entire notebook assembly is in the closed position, a large “pocket” is formed which holds all of said elements specified in the instant limitation).

5. Claims 5-6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over O’Boyle in view of Hernandez and further in view of Ciarcia, Africa and U.S. Patent No. 5,651,628 to Bankes et al. (“Bankes”).

Regarding claim 5, O’Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook according to claim 1, but fails to disclose the front leaf invisibly covering the tabs of the inner separation sheets when the notebook is closed.

Bankes teaches the concept of providing a front leaf invisibly covering the tabs of inner separation sheets when a notebook is closed (see fig. 2d).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the Bankes cover teachings to the notebook of O’Boyle in view of

Hernandez and further in view of Ciarcia in order to protect the tabs from damage, as explicitly taught by Bankes (see col. 3, lines 7-12).

Regarding claim 6, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa, as modified by Bankes (in the manner set forth in the rejection of claim 5, above), discloses the filing notebook according to claim 1, wherein the front leaf makes the tabs of the inner separation sheets visible and directly accessible when the notebook is closed (see the combination set forth in the rejection of claim 5, above).

Regarding claim 15, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa, as modified by Bankes (in the manner set forth in the rejection of claim 5, above), discloses the filing notebook according to claim 4, wherein the front leaf invisibly covers the tabs of the inner separation sheets when the notebook is closed (see the combination set forth in the rejection of claim 5, above).

Regarding claim 16, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa, as modified by Bankes (in the manner set forth in the rejection of claim 5, above), discloses the filing notebook according to claim 4, wherein the front leaf makes the tabs of the inner separation sheets visible and directly accessible when the notebook is closed (see the combination set forth in the rejection of claim 5, above).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Boyle in view of Hernandez and further in view of Ciarcia, Africa and U.S. Patent Application Publication No. 2002/0089166 to Schwartz ("Schwartz").

Regarding claim 7, O'Boyle in view of Hernandez and further in view of Ciarcia and Africa discloses the filing notebook according to claim 1, but fails to disclose one of the front and back leaves including flaps along upper, lower and side edges.

Schwartz teaches the concept of providing leaves with flaps along upper, lower and side edges of a substrate sheet (see fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to attach Schwartz corners to the front and/or back covers of the notebook of O'Boyle in view of Hernandez and further in view of Ciarcia and Africa in order to securely hold a leaf of paper, as explicitly taught by Schwartz (see paragraph 48).

Response to Arguments

In response to Applicant's argument that Ciarcia's teaching falls short of teaching or suggesting inner separation sheets with tabs inseparably connected to a binder that joins the front and back leaves together (see Applicant's Arguments/Remarks pg. 7, lines 13-15), Examiner respectfully asserts that the inseparable connection of the Ciarcia inner separation sheets with tabs to the O'Boyle binding is accomplished in the combination set forth in the rejection of claim 1, above. It is not necessary that Ciarcia provide the exact same connection structure by itself, as the reference is only used for its inner separation sheet with tab teachings.

In response to Applicant's argument that the Office Action fails to explain why it would be obvious to one of ordinary skill in the art to inseparably connect the inner separation sheets with tabs to a "binder joining the front and back leaves together," as claimed (see Applicant's Arguments/Remarks pg. 7, lines 25-28), Examiner respectfully

asserts that the Office Action explicitly provides that “[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to disperse Ciarcia envelopes throughout the O’Boyle sheets, attaching them to the spiral binding in order to retain pages removed from other areas of the notebook assembly, as explicitly taught by Ciarcia.”

In response to Applicant’s argument that the combination of references fails to teach or suggest at least one closing means including an elastic band fastened by rivets to one of the front and back leaves via eyelets, the elastic band sliding relative to the external face of the leaf, as claimed in amended claims 1 and 18 (see Applicant’s Arguments/Remarks pg. 8, lines 4-7), Examiner respectfully directs Applicant to see the treatment of said claims 1 and 18 set forth in the respective rejections thereof above.

In response to Applicant’s argument that the dependent claims are patentable because they depend from and include the limitations of independent claim 1 (see Applicant’s Arguments/Remarks pg. 9, lines 1-2), Examiner respectfully asserts that as set forth in the rejection above, independent claim 1 is not presently in condition for allowance. As such, the depended claims are similarly not presently in condition for allowance.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN V. LEWIS whose telephone number is (571)270-5052. The examiner can normally be reached on M-F 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/

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Supervisory Patent Examiner, Art Unit 3725
/JVL/